



Board of Appeals of Baltimore County

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April 20, 2020

Brenda Lee Redden
2765 Norfen Road
Halethorpe, MD 21227

RE: *In the Matter of: Brenda Redden*
Case No.: CBA-20-014

Dear Ms. Redden:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Sunny Cannington". The signature is fluid and cursive.

Krysundra "Sunny" Cannington
Administrator

Enclosure

- c. Earl Beville, Assistant Manager/Investigative & Security Division/Motor Vehicle Administration
Michael F. Filsinger, Chief/Division of Traffic Engineering
Steven A. Walsh, P.E., Director/DPW
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF:
BRENDA REDDEN
2765 NORFEN ROAD
BALTIMORE, MD 21227

RE: DENIAL OF RESERVED
HANDICAPPED PARKING SPACE

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: CBA-20-014

* * * * *

OPINION

As a threshold matter, this Board of Appeals ("Board") was composed of only two panelists, rather than three. Both parties waived any objections to this composition and the matter proceeded to a hearing.

This case comes before this Board on appeal filed by Brenda L. Redden of a letter dated October 29, 2019, from Michael F. Filsinger, Chief, Division of Traffic Engineering, denying a request for a reserved residential handicap parking space on the street in front of Ms. Redden's home on Norfen Road based on the availability of off-street parking.

Ms. Redden appeared at the hearing accompanied by her daughter. Appearing on behalf of the Division of Traffic Engineering were Wesley Bohle, a traffic inspector, and Edward Reed, traffic inspection supervisor.

Ms. Redden is a sixty-eight (68) year old retiree who walks with the assistance of a walker. The parties do not dispute Ms. Redden's medical condition. Though Ms. Redden has applied for a reserved parking space on prior occasions, the instant case is the first appeal to this Board.

The property at 2765 Norfen Road is an end of group, brick, row home, which was built in the mid 1950's. Unlike some other homes in the group, the back yard of Ms. Redden's residence is paved to provide on-site or off-street parking. The parking is accessed from an alley. On-street

parking is at a premium, and often located a block or further from the house for reasons described below.

The existence of the on-site and off-street parking was determinative in the denial issued by the Division of Traffic Engineering. Though the Division found that Ms. Redden qualifies medically for a reserved space, Section 3(B) of Baltimore County Policy on Reserved Parking Spaces for Person with Physical Disabilities states that a reserved on-street space will not be authorized for an applicant whose property has self-contained off-street parking. The Division of Traffic Engineering, after a site visit and discussion with Ms. Redden, used Section 3(B) of the policy to deny the application, and in doing so, determined that the property conditions did not warrant an allowable exception to the County's policy. Those exceptions are contained in Paragraph 3(G) of the policy.

Testimony by Ms. Redden indicated that she expects to continue to need a walker or other device for mobility. The multiple steps leading to the entrance of her house in the back and the distance of the offsite parking at the rear of the property makes navigating from her vehicle, to the walker and then into her house difficult from the off-site parking. Ms. Redden further testified that she is retired and has limited means to alter the property. Ms. Redden added that the on-site parking is insufficient for the number of cars in the community, which leads to her having to walk long distances to access the front of her house.

Discussion

This Board first considered whether the County policy was properly adopted pursuant to Baltimore County Code §3-7-101, et seq. Mr. Bohle indicated that the policy was first adopted in 1994, amended in 1998 and most recently in 2004. The policy was adopted by the Department of Public Works, Division of Traffic Engineering and the Commission on Disabilities. Mr. Bohle

was unaware whether the adoption or amendments to the policy have been approved by the County Council.

This Board evaluated whether Ms. Redden was entitled to an exemption to the Policy. This Board considered the unique physical conditions of the property: the long distance from the off-street parking to the entrance of her house, the lack of hand railings for the stairs at the back of the house, and the competition for parking in the front of her house and the disability of Ms. Redden. The Board also noted that Ms. Redden lacks the resources to install modifications to her house.

In addition, Ms. Redden provided testimony that several nearby neighbors already have reserved parking. The presence of adjacent reserved parking in limited space, and the increased competition for non-reserved parking, has caused Ms. Redden to park further away, rendering on-street parking more onerous for Ms. Redden given her medical condition. Given the difficulty to use her walker across the long distance from the rear off-street parking to the entrance at the back of her house, and the difficulties presented by the on-street parking in front, this Board concluded that the extremely unique circumstances and hardships exist and that Ms. Redden's application qualifies for an exception under Paragraph 3(G) of the County's policy.

Conclusion

After reviewing all of the testimony and evidence presented, the Board finds that this Application for a Reserved Parking Space shall be granted.

In the matter of: Brenda Redden
Case No: CBA-20-014

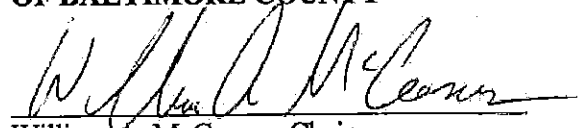
ORDER

THEREFORE, IT IS THIS 20th day of April, 2020, by the
Board of Appeals of Baltimore County,

ORDERED, that the Application for a Reserved Parking Space be and the same is hereby
GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-
201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


William A. McComas, Chair

Jason Garber

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William A. McComas, Chair

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